

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

MAR 31 2009
JOHN F. CONCORAN, CLERK
BY: *JFB*
DEPUTY CLERK

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. The government's motion to dismiss is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 is **DENIED**; and
3. This action shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to all counsel of record.

ENTER: This 30th day of March, 2009.

Eric Cawood

United States District Judge